

Message Text

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42

ACTION EB-07

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PASS PATENT OFFICE

E.O. 11652: NA

TAGS: UNTAD WIPO ETRD

SUBJ: UNCTAD: GOVERNMENT EXPERTS ON ROLE OF PATENTS IN TRANSFER
OF TECHNOLOGY

REF: GENEVA 6828

GROUP OF 77 HAS INFORMALLY PROPOSED FOLLOWING
TEXT OF CONCLUSIONS PRESENT MEETING. THIS DRAFT WILL BE
CONSIDERED IN GROUP B CAUCUS MORNING SEPT 9, WITH AIM
GIVING GROUP B REACTION INFORMALLY TO GROUP OF 77 LATER
SAME DAY. ARGENTINE AND BRAZILIAN SPOKESMEN OF GROUP OF
77 TOLD US THIS DRAFT REPRESENTS VICTORY BY MODERATE WING
OF LDCS AND NOT MANY CHANGES WOULD BE POSSIBLE WITHOUT
OPENING DANGER OF MORE RADICAL PROPOSALS FROM LDC
EXTREMISTS.

2. BEGIN TEXT.

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CONCLUSIONS AND RECOMMENDATIONS OF THE GROUP OF EXPERTS

1. THE GROUP WAS OF THE OPINION THAT INDUSTRIAL PROPERTY LEGISLATION CAN BE AN IMPORTANT INSTRUMENT FOR THE ECONOMIC DEVELOPMENT OF THE DEVELOPING COUNTRIES, IF IT IS DESIGNED TO SERVE THEIR PUBLIC INTEREST, I.E. THEIR DEVELOPMENTAL NEEDS AS DEFINED IN THEIR NATIONAL, REGIONAL OR SUB-REGIONAL PLANS, POLICIES AND PRIORITIES.

2. IN THIS CONNECTION, THE GROUP AGREED THAT THE PROCESS OF REVISION OF THE PARIS CONVENTION, AS WELL AS OF THE MODEL LAW FOR DEVELOPING COUNTRIES ON INVENTIONS, SHOULD BE GUIDED BY THE NEED TO: (A) IMPROVE THE CONDITIONS FOR ADAPTATION OF TECHNOLOGY AND FOR DEVELOPMENT OF INDIGENOUS TECHNOLOGY IN THESE COUNTRIES THROUGH, INTER ALIA, THE TRAINING OF PERSONNEL AND THE PROVISION OF ACCESS TO RELEVANT DOCUMENTATION; B) PROMOTE AN EFFECTIVE TRANSFER OF TECHNOLOGY TO THESE COUNTRIES UNDER FAIR AND REASONABLE TERMS AND CONDITIONS.

3. FURTHERMORE, THE GROUP CONSIDERED IT IMPORTANT THAT NATIONAL LEGISLATION OF DEVELOPING COUNTRIES ON INVENTIONS, WHERE IT EXISTED, SHOULD ENSURE THAT THE GRANTING OF PROPERTY RIGHTS BY THE STATE BE ACCOMPANIED BY CORRESPONDING OBLIGATIONS ON THE PART OF THE PATENTEE IN ORDER THAT THE DEVELOPMENTAL NEEDS STATED ABOVE MAY BE FULFILLED THROUGH THE ADEQUATE EXPLOITATION OF THE PATENTS GRANTED.

4. AS REGARDS THE ONGOING PROCESS OF REVISION OF THE PARIS CONVENTION, THE GROUP EXPRESSED ITS BELIEF THAT THE FURTHER DELIBERATIONS THEREON SHOULD BE GUIDED, INTER ALIA, BY THE FOLLOWING CONSIDERATIONS:

A) THE IMPORTATION OF THE PATENTED PRODUCT IS NOT A SUBSTITUTE FOR THE WORKING OF THE PATENT IN THE DEVELOPING COUNTRY GRANTING IT;
B) ADEQUATE PROVISIONS ARE REQUIRED TO AVOID ABUSES OF THE PRIVILEGES AND TO INCREASE THE PROBABILITY OF THE PATENT BEING WORKED IN THE DEVELOPING COUNTRY GRANTING IT;
C) ACCESS TO AND UTILIZATION OF PATENT DOCUMENTATION BY DEVELOPING COUNTRIES SHOULD BE GREATLY EXPANDED, IN ORDER TO FACILITATE THE TRANSFER, THE ABSORPTION, ADAPTATION AND CREATION OF SUITABLE TECHNOLOGY;
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D) NEW, IMAGINATIVE WAYS OF GIVING PREFERENTIAL TREATMENT TO DEVELOPING COUNTRIES SHOULD BE STUDIED;
E) AN IN-DEPTH REVISION OF TRADE MARK LEGISLATION SHOULD BE CARRIED OUT;
F) TECHNICAL ASSISTANCE TO DEVELOPING COUNTRIES SHOULD BE RECOGNIZED AS ONE OF THE MAIN GOALS;
G) AN ULTIMATE AIM OF THE ONGOING PROCESS OF REVISION SHOULD BE TO PROVIDE CONDITIONS FOR UNIVERSAL MEMBER-

SHIP IN THE PARIS UNION.

5. TECHNICAL ASSISTANCE ON AN INCREASING SCALE SHOULD BE URGENTLY PROVIDED TO DEVELOPING COUNTRIES BY UNCTAD, UNIDO AND WIPO, WITHIN THEIR RESPECTIVE SPHERES OF COMPETENCE AND IN A CLOSELY COORDINATED MANNER, FOR THE DEVELOPMENT OF THE NATIONAL CAPABILITY AND INFRASTRUCTURE OF THESE COUNTRIES, FROM THE COMMERCIAL, LEGAL, ADMINISTRATIVE AND TECHNICAL ASPECTS, AS THEY RELATE TO INDUSTRIAL PROPERTY AS A MEANS OF PROMOTING NATIONAL TECHNOLOGICAL DEVELOPMENT.

6. THE GROUP RECOMMENDS TO THE COMMITTEE ON TRANSFER OF TECHNOLOGY THAT THE SECRETARY-GENERAL OF UNCTAD CONVENE FURTHER MEETINGS OF GROUPS OF EXPERTS, TO EXAMINE THE QUESTION OF THE REVISION OF THE INDUSTRIAL PROPERTY SYSTEMS. THE FIRST OF SUCH MEETINGS SHOULD BE CALLED BEFORE THE SECOND SESSION OF THE COMMITTEE.

7. THE GROUP RECOMMENDS THAT THE SECRETARY-GENERAL OF UNCTAD:

I) PREPARE A STUDY ON THE IMPACTS OF TRADEMARKS, INDICATIONS OF SOURCE AND APPELLATIONS OF ORIGIN AND RELATED MODALITIES ON THE DEVELOPMENT PROCESS OF DEVELOPING COUNTRIES.

II) STUDY IN DEPTH THE WIDE RANGE OF ISSUES RELATED TO THE IMPROVEMENT OF THE NATIONAL SCIENTIFIC AND TECHNOLOGICAL INFRASTRUCTURE OF DEVELOPING COUNTRIES, TAKING INTO ACCOUNT THE DIFFERENT STAGES OF DEVELOPMENT, AND INCLUDING ITS FINANCIAL REQUIREMENTS.

III) UNDERTAKE STUDIES ON THE IMPACT OF NEW POLICIES AND LEGISLATION IN THE FIELD OF INDUSTRIAL PROPERTY AND RELATED MATTERS.

IV) CONTINUE DEVELOPING UNCTAD'S ACTIVITIES AND PROVIDING ITS IMPORTANT CONTRIBUTION ON THE FUNCTION OF THE INTERNATIONAL PATENT SYSTEM IN THE LIMITED OFFICIAL USE

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TRANSFER OF TECHNOLOGY AND THE MAIN LINES OF ITS REVISION, RELATED TO ECONOMIC, COMMERCIAL AND DEVELOPMENT ASPECTS, TAKING INTO ACCOUNT THE DEBATES AT THIS SESSION OF THE GROUP OF GOVERNMENTAL EXPERTS ON THE ROLE OF THE PATENT SYSTEM IN THE TRANSFER OF TECHNOLOGY.

V) UNDERTAKE STUDIES ON THE CREATION OF NATIONAL AND SUB-REGIONAL CENTRES, AND TO SUPPORT INITIATIVES TAKEN IN THAT SENSE, TO FACILITATE THE AVAILABILITY OF INFORMATION IN THE SCIENTIFIC-TECHNICAL FIELD, THE TRANSFER OF TECHNOLOGY AND PERSONNEL TRAINING, TAKING INTO ACCOUNT THE DIFFERENT LEVELS OF DEVELOPMENT IN THE DEVELOPING COUNTRIES AND THEIR CO-OPERATION AND ECONOMIC INTEGRATION PROCESSES. END TEXT. ABRAMS

NOTE BY OC/T: NOT PASSED PATENT OFFICE.

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